

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

Wesley Sydow and Theresa Sydow,)
)
 Plaintiffs,)) Case No. 14-cv-219-wmc
 v.)
)
 Weyerhaeuser Company, et al.,)
)
 Defendants.)

PLAINTIFF'S PROPOSED FINDINGS OF FACT

Plaintiff submits these proposed findings of fact pursuant to this Court's summary judgment procedure.

1. OI Kalyo fire door cores were used in large quantities at the Roddis/Weyerhaeuser fire door plant in Marshfield beginning in 1955 or 1956. (Ex.3 at ¶¶ 3-5)
2. The first floor of the Marshfield door plant was a dusty work area. (Doc # 151 at 8-11.)
3. Wesley Sydow (“Sydow”) worked in the first floor area when OI Kaylo door cores were used. (Doc # 168 at 50, 52-53.)
4. Sydow was exposed to high levels of dust from OI manufactured door cores. (Ex.3 at ¶¶ 3-5; Ex.7 at 1-3; Ex.19 ¶¶ 3-6; Doc # 151 at 8-11; Doc # 168 at 50, 52-53; Def.’s SPFF at ¶¶ 5-7.)
5. The exposure to OI manufactured door cores was a substantial cause of Sydow’s mesothelioma.
6. OI did not rely on Roddis/Weyerhaeuser to warn employees about or protect employees from dangers of working in production of asbestos door cores. (Ex.10; Ex.11; Ex.12; Ex.13 at ¶ 111, 112, 113, 101-120; Ex.14; Ex.15 at ¶94)

7. Roddis/Weyerhaeuser did not protect Sydow by warning or safety measures from dangers of asbestos in fire door production. (Doc # 168 at 76; Ex.9 at 33-34.)
8. Sydow did not understand the dangers of asbestos or know to protect himself until after 1969.
9. OI's records of Kaylo sales are incomplete. (Ex.16 at 2-3).

Dated: June 15, 2015

s/ Robert G. McCoy
Attorney for Plaintiff

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